

LABOUR DEPARTMENT

The 29th December, 1981

No. 9(1)-81-6Lab./13940.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s P. K. Engineering and Foundry Dharamkanta Road, Mujesar, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 518 of 1980

between

SHRI JALIL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S P. K. ENGINEERING AND FOUNDRY DHARAMKANTA ROAD, MUJESAR, FARIDABAD

Workman with Shri R. L. Sharma.

None, for the respondent-management.

AWARD

This reference No. 518 of 1981 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/133-80/55438, dated 30th October, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Jalil, workman and the respondent-management of M/s P. K. Engineering and Foundry Dharamkanta Road, Mujesar, Faridabad. The term of the reference was.—

Whether the termination of service of Shri Jalil was justified and in order If not, to what relief is he entitled?

After receiving this reference, notices were sent to the parties for 5th December, 1980. The parties filed their pleadings and on the pleadings of the parties, issues were framed. On 11th February, 1981 and the case was fixed for evidence of the management for 9th March, 1981. On 9th March, 1981 none was present from the side of the management. The representative of the workman was present on that day. It was 1.30 p.m. The case was called thrice. So my predecessor proceeded *ex parte* against the management and the case was fixed for *ex parte* evidence of the workman for 19th March, 1981. On 19th March, 1981 *ex parte* evidence of the workman was not present and prayed for a date. The representative of the workman sought eight adjournments for recording the *ex parte* evidence and at last on 16th September, 1981 the *ex parte* evidence of the workman was recorded.

The workman examined himself as WW-1, who stated that he was appointed on 11th April, 1979 as moulder at a monthly wages of Rs 550. The workman was the permanent employee of the respondent management and the management stopped him at the gate on 28th August, 1980. The workman further stated that the management terminated his services without giving any notice or charge-sheet which is wrong and illegal. The workman stated that he was unemployed since the date of his termination and prayed that he be reinstated with full back wages and continuity of service.

In view of the statement made by the workman on oath, I see no reason, why the un rebutted statement of the workman should not be believed especially when the management chose not to appear and defend the reference. On some dates Shri R. S. Arora, appeared on behalf of the management, but after the framing of issues, when the case was fixed for evidence of the management, he disappeared. It means the management intentionally do not want to contest the case. So on believing the statement of the workman, I hold that the termination of services of Shri Jalil, workman was not justified and in order and he is entitled for reinstatement with continuity of service and full back wages.

No order as to costs. This be read an answer to this reference.

Dated the 10th November, 1981.

HARI SINGH KAUSHAK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 3225 dated the 19th November, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government of Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.